

**Economic Impact Statement**

LSA Document #17-483

**[IC 4-22-2.1-5](#) Statement Concerning Rules Affecting Small Businesses****Description of the Rule**

This rule amends rules that provide for the kind of criminal background checks required for home health agencies. The amendment changes the limited criminal history background check to a national criminal history background check or expanded criminal history check. This amendment is required to make the rule conform to the statute.

**Economic Impact on Small Businesses****1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

[IC 4-22-2.1-4](#) defines a small business as set forth in [IC 5-28-2-6](#), which defines a small business as a business entity that satisfies the following requirements:

- (1) On at least fifty percent (50%) of the working days of the business entity occurring during the preceding calendar year, the business entity employed not more than one hundred fifty (150) employees.
- (2) The majority of the employees of the business entity work in Indiana.

There are 345 licensed home health agencies in Indiana.

**2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.**

The amendments to the rule will not add any significant fiscal impact to the business community. The statute that makes this amendment necessary adds the fiscal impact discussed below. The home health agency is required to meet the employee background check requirements of the statute. When the statute was amended the fiscal impact statement for the P.L.51-2016 (Senate Bill 350) stated:

"The fees for limited checks are as follows: \$16.32 for persons who do not subscribe to AccessIndiana, \$15 for AccessIndiana subscribers, or \$7 by mail. . . . The cost to the home health care or personal care agency for a national check through the ISP is approximately \$39.45. . . a check completed by a consumer reporting agency is estimated to cost about \$30."

The fiscal impact statement for the statutory amendment under SB 350 indicates that there is an increased cost to the regulated business community. The legislature approved SB 350. This rule amendment reflects the change to the statute as a result of P.L.51-2016.

**3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.**

The amendments to the rule will not add any significant fiscal impact to the business community. The statute adds the fiscal impact discussed below. The home health agency is required to meet the employee background check requirements of the statute. When the statute was amended the fiscal impact statement for the P.L.51-2016 (Senate Bill 350) stated:

"The fees for limited checks are as follows: \$16.32 for persons who do not subscribe to AccessIndiana, \$15 for AccessIndiana subscribers, or \$7 by mail. . . . The cost to the home health care or personal care agency for a national check through the ISP is approximately \$39.45. . . a check completed by a consumer reporting agency is estimated to cost about \$30."

The fiscal impact statement for the statutory amendment under SB 350 indicates that there is an increased cost to the regulated business community. The legislature approved SB 350. This rule amendment reflects the change to the statute as a result of P.L.51-2016.

**4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law.**

No requirements or cost is imposed by the rule that is not expressly authorized or required by the statute.

**5. Regulatory Flexibility Analysis**

Other factors considered:

**A. Establishment of less stringent compliance or reporting requirements for small businesses.**

The rule repeats the requirements of the statute.

**B. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.**

The rule repeats the requirements of the statute.

**C. Consolidation or simplification of compliance or reporting requirements for small businesses.**

The rule repeats the requirements of the statute.

**D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.**

The rule repeats the requirements of the statute.

**E. Exemption of small businesses from part or all of the requirements or costs imposed by the rule.**

None. The rule repeats the requirements of the statute.

**Conclusion**

There is a fiscal impact on the regulated community. It is not imposed by the rule amendment, however. The fiscal impact is imposed by the statute.

*Posted: 05/16/2018 by Legislative Services Agency*

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